

# Order

Michigan Supreme Court  
Lansing, Michigan

September 30, 2009

Marilyn Kelly,  
Chief Justice

138180-1

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

RAYMOND O'NEAL,  
Plaintiff-Appellant,

v

SC: 138180, 138181  
COA: 277317, 277318  
Wayne CC: 05-515351-NH

ST. JOHN HOSPITAL & MEDICAL CENTER,  
RALPH DILISIO, M.D., and EFSTATHIOS  
TAPAZOGLOU, M.D.,  
Defendants-Appellees.

---

On order of the Court, the application for leave to appeal the November 4, 2008 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the requirements set forth in the second sentence of MCL 600.2912a(2) apply in this case; (2) if not, whether the plaintiff presented sufficient evidence to create a genuine issue of fact with regard to whether the defendants' conduct proximately caused his injury, or (3) if so, whether *Fulton v William Beaumont Hosp*, 253 Mich App 70 (2002), was correctly decided, or whether a different approach is required to correctly implement the second sentence of § 2912a(2).

The Clerk of the Court is directed to place this case on the January 2010 session calendar for argument and submission. Appellant's brief and appendix must be filed no later than November 13, 2009, and appellees' brief and appendix, if appellees choose to submit an appendix, must be filed no later than December 4, 2009.

The Michigan State Medical Society, Michigan Health and Hospital Association, Michigan Association for Justice, and Michigan Defense Trial Counsel, Inc., are invited to file briefs amicus curiae, to be filed no later than December 16, 2009. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae, to be filed no later than December 16, 2009.



0930

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 30, 2009

*Corbin R. Davis*

Clerk